

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-21 are pending in the present application. Claims 1, 4, 9, 12, 15-17, 20 and 21 are amended by the present amendment.

Claim amendments find support in the application as originally filed, at least in figures 5 and 10, thus, no new matter is added.

In the outstanding Office Action, Claims 1, 2, 6, 8-10, 14 and 16 were rejected under 35 U.S.C. §102(b) as anticipated by Murakami et al. (U.S. Pat. No. 5,017,798, herein “Murakami”); Claims 3, 7, 11 and 15 were rejected under 35 U.S.C §103(a) as unpatentable over Murakami; Claims 4, 5, 12 and 13 were objected to as dependent upon a rejected base claim but would be allowable if rewritten in independent form; and Claims 17-21 are allowable.

Initially, Applicants gratefully acknowledge the early indication of the allowable subject matter in Claims 4, 5, 12, 13 and 17-21. With respect to Claims 4, 5, 12 and 13, since Applicants consider that Claims 1 and 9 as amended patentably define over the cited art, Claims 4, 5, 12 and 13 have presently been maintained in dependent form.

Before turning to the outstanding prior art rejections, it is believed that a brief review of the present invention would be helpful.

Claim 1 recites an illumination optics which applies a first inspection light on a predetermined wavelength to a surface opposite to a pattern formed surface of the substrate, and applies a second inspection light whose wavelength is equal to the predetermined wavelength of the first inspection light to the pattern formed surface. Further Claim 1 recites a detector which selectively detects a transmitted light through the substrate by irradiation of the first inspection light and a reflected light from the substrate by irradiation of the second

inspection light so as to perform a transmitted light-based inspection and a reflected-light-based inspection. Additionally, Claim 1 recites a space separation mechanism which is provided in the vicinity of an optical focal plane toward the pattern formed surface of the substrate, and spatially separates an irradiation area of the first inspection light and the second inspection light such that the transmitted light through the substrate and the reflected light from the substrate are imaged in two discrete areas separated on the optical focal plane.

Turning now to the prior art rejections, the outstanding Office Action states that Murakami describes all the features recited in independent Claims 1 and 9. However, Applicants respectfully traverse this assertion.

Murakami describes that reflected light from the obverse surface of an object 18 and the reflected light from the reverse surface thereof are independently detected, as is shown in Figure 5 of Murakami.

In contrast, Claim 1 recites that the transmitted light through the substrate and the reflected light from the substrate are independently detected. This feature is also illustrated in a non-limiting example in figures 5 and 10 of the originally filed specification.

Accordingly, as Murakami does not describe all of the features recited in amended Claim 1, Applicants respectfully submit that Claim 1 and similarly Claim 9 and claims depending therefrom patentably distinguish over Murakami.

Additionally, Applicants respectfully request that reference “AW” found at the bottom of the IDS filed 3/26/2004 be acknowledged.

Application No. 10/809,409
Reply to Office Action of June 1, 2006

Consequently, in light of the above discussion and in view of the present amendment, the present application is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number

22850

Tel: (703) 413-3000

Fax: (703) 413 -2220

(OSMMN 06/04)

I:\ATTY\JL\251154US\251154US_AM.DOC